

**REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office action mailed June 21, 2010. Claims 6 and 26 have been canceled without prejudice. New claims 41 and 42 have been added to more completely cover certain aspects of the invention. Claims 3-4, 16-20, 23-24, and 29-32 were previously cancelled. Claims 9-15 and 28 were previously withdrawn from consideration. Accordingly, claims 1-2, 5, 7-8, 21-22, 25, 27, 33-42 are presently in the application.

On pages 2-4 of the Office action, claims 1, 2, 7, 21, 22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Krag (US 6,231,575). On pages 4-5 of the Office action, claims 8, 35-36 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krag (US 6,231,575). On pages 5-6 of the Office action, claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krag (US 6,231,575) in view of Harms et al. (US 5,873,878). On pages 6-7 of the Office action, claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krag (US 6,231,575) in view of Hall (US 4,041,939). On page 7 of the Office action, claims 33-34 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krag (US 6,231,575) in view of Mehdian (US 5,217,497). Applicant respectfully traverses the rejections.

Independent claims 1 and 21 recite that the receiving part comprises "a U-shaped recess forming a channel for the reception of the rod and two legs having free ends, the legs comprising a first internal thread." Krag does not teach these limitations.

Referring to Fig. 2 of Krag, the block 48, which the Examiner asserts is the receiving part of claims 1 and 21, has six sides. The top side has a threaded hole for receiving a set screw. When viewed in cross-section in Fig. 7, the Examiner contends that the block has a U-shaped recess and two legs. Applicant respectfully submits that one of ordinary skill in the art would not consider the threaded hole of Krag a "U-shaped recess" and would not consider the top portion of the block 48 that forms the threaded hole to be "two legs." Krag clearly has a solid upper portion that defines a threaded hole, not a U-shaped recess forming a channel for reception of a rod or two legs comprising an internal thread. In addition, claims 1 and 21 recite two legs "having free

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ends." Accordingly, even if the solid upper portion of the Krag block could be considered to describe two legs, there is no description of two legs with free ends. Accordingly, applicant respectfully submits that Krag does not anticipate claims 1, 2, 7, 21, 22 and 27 of the application.

Claims 2, 5, 7-8, 22, 25, 27, and 33-42 depend from one of claims 1 and 21. Because these dependent claims contain additional limitations further distinguishing these claims from the cited art when considered as a whole, these claims are also believed to be patentable.

In addition, claims 33 and 34 recite that "an entire length of the securing element in the axial direction is equal to or less than the predetermined distance (A)." The securing element of claims 33 and 34 is a screw member. The Examiner has failed to identify any prior art to teach this feature.

Claims 37 and 38 of the present application recite that "the securing element fixes the rod in the receiving part without protruding outward beyond the exterior end surface of the receiving part." The exterior end surface is provided by the "two legs." Mehdian does not teach this feature. In Mehdian, the locking screw 24 protrudes outward beyond the exterior end surface of the rod receiving part 13.

In view of the above, applicant respectfully requests reconsideration of the application and allowance of claims 1-2, 5, 7-8, 21-22, 25, 27, 33-42.

Respectfully submitted,

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